THE HON'BLE SRI JUSTICE C.V. RAMULU

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W.P.No.32155 of 1998

Dated: 25-07-2005

Between:

D.Satyanarayana, S/o. Sammaiah

Aged 33 years, Occ: conductor

R/o.3-4-119/A Sudhanagar, Hanmkonda,

Warangal District. Petitioner…

And

Industrial Tribunal cum Labour Court

Warangal, rep.by its Presiding Officer.

Respondents…

ORDER:

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This writ petition is filed by the petitioner-workman being aggrieved by the award dated 06-09-1991 in I.D.No.74 of 1989 passed by the 1st respondent-Chairman, Industrial, Tribunal-cum-Labour Court, (for short 'the Labour Court') Warangal,

The workman filed a petition under Section 2-A (2) of the Industrial

Disputes Act before the 1st respondent and the same was taken up on file as I.D.No.74 of 1989 and after an elaborate consideration of the matter, granted relief to the workman to reinstate him into service and further holding that he is not entitled for backwages and the period of his absence from the date of removal shall be treated as not on duty.

It is unfortunate that though the industrial dispute was disposed of on 06-09-1991, the present writ petition is filed seven years thereafter. Absolutely, no explanation is offered by the workman for approaching this Court with an abnormal delay of seven years. The Writ Petition is liable to be dismissed on this ground alone. However, the learned counsel for the petitioner contends that the order of the Labour Court creates some confusion and requires to be clarified. In view of the same, I am of the opinion that the award passed by the Labour Court is clarified to be read as under:

In the result, the award is made directing the respondent-management to reinstate the petitioner-workman with continuity of service but without any backwages and attendant benefits. Further, the period i.e. from the date of removal of the workman till his reinstatement shall be treated, as he was not on duty. However, the said period shall be counted for the purpose of terminal benefits.

With the above clarification, the Writ Petition is accordingly disposed of. No order as to costs.

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C.V. RAMULU, J

Dated: 25-07-2005

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